

Docket No.: 2001 P 13459 US
App. No.: 09/917,373

REMARKS

Claims 1-20 are pending in the Application. Claims 6-7 and 14-15 are withdrawn.

Claim Rejections - 35 U.S.C. § 102

The Patent Office rejected claims 1-2, 4, 8 and 10-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,859,657 by Barnard et al., ("Barnard").

The Patent Office rejected claims 3, 5, 13, 16, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,859,657 by Barnard et al., ("Barnard").

The Patent Office rejected claims 9, 17 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,859,657 by Barnard et al., ("Barnard") in view of U.S. Patent No. 6,438,245 by Taenzer et al., ("Taenzer").

Applicant respectfully traverses each rejection. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Emphasis added. Additionally, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits claims 1, 13 and 19 recite novel and nonobvious elements that have not been disclosed, taught or suggested by Barnard or Taenzer, individually or in combination. For example, claims 1, 13 and 19

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generally recite a concealed telephone system which includes a telephone (12, 52) including a keyboard and display that can be hidden on the user and can make and receive telephone calls, an earpiece and a microphone. Emphasis added. Barnard and Taenzer fail to teach, disclose or suggest a concealed telephone system which includes a telephone (12, 52) including a keyboard and display that can be hidden on the user and can make and receive telephone calls, an earpiece and a microphone.

The concealed telephone system of the present application includes a telephone and additional accessories, such as an earpiece and a microphone, which may operate in conjunction with a telephone to provide additional functionality by allowing concealed use of the telephone and hands-free use of the telephone. Barnard and Taenzer fail to disclose, teach or suggest a distinct telephone, earpiece and microphone whereby the telephone is operable to make and receive calls without the incorporation of the earpiece on the ring and microphone on the wristwrap. (Barnard, FIG. 3). Barnard only teaches two elements of a communication device; an earpiece and microphone and fails to disclose a telephone, operable to make and receive telephone calls, separate from the microphone and earpiece of the communication device. Consequently, elements of claims 1, 13 and 19 have not been disclosed, taught or suggested by Barnard and Taenzer. Claims 1, 13 and 19 should be allowed. Claims 2-5, 8-12, 16-18 and 20 should be allowed as being dependent upon an allowable base claim.

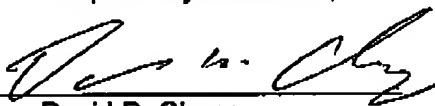
Conclusion

Applicants respectfully submit that all claims are allowable, and it is respectfully requested that the entire application now be passed to formal allowance.

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